

Application Number: 10/782,174
Office Action Dated: December 15, 2009
Response Dated: March 15, 2010

Amendments to the Drawings

Please amend the drawings by cancelling the originally filed Figures 1 to 4 in favor of the amended Figures 1 and 4 filed herewith.

Attachment: 4 Replacement Sheets.

Application Number: 10/782,174
Office Action Dated: December 15, 2009
Response Dated: March 15, 2010

REMARKS

Applicant has cancelled claim 1, 3-5, 8, 9, 11-13 and 16-22 without prejudice in favor of new claims 23-31. Support for new claims 23-31 is found at paragraphs [0039] of the application as published under publication number US 2007/0119889 (see page 5 of the application as originally filed) and Figure 4 of the application as originally filed.

Applicant has amended paragraph [0039] of the application as published under publication number US 2006/0237505 to recite that each of the tines has a free distal end. Support for this amendment is found in Figures 1 to 4 of the application as originally filed.

Paragraph [0023] of the application as published under publication number US 2006/0237505 as well as Figures 1 to 4 have also been amended to ensure that proper reference numerals are used.

No new subject matter has been added to the application.

Claim Rejections under 35 USC § 102

Examiner has rejected claims 1, 3-5, 8, 9, 11-13 and 16-22 under 35 USC § 102(b).

Claims 1, 3-5, 8, 9, 11-13 and 16-22 are alleged to be anticipated by United States Patent Number 5,996,870 to Shaver (hereinafter "Shaver"). Claims 1, 3, 8, 9, 12, 16, 17 and 22 are further alleged to be anticipated by European Patent Application Number 95,548 to Bernd (hereinafter "Bernd").

Application Number: 10/782,174
Office Action Dated: December 15, 2009
Response Dated: March 15, 2010

Applicant submits that the subject matter of claims 1, 3-5, 8, 9, 11-13 and 16-22 is not anticipated by either Shaver or Bernd. However, in the interest of expediting the allowance of this application, claims 1, 3-5, 8, 9, 11-13 and 16-22 have been cancelled without prejudice in favor of new claims 23-31. Applicant reserves the right to re-file claims 1, 3-5, 8, 9, 11-13 and 16-22 as part of a continuation application.

New claim 23 recites first and second support members, wherein a cradle for engaging a fork of a bicycle is fixedly disposed along the first support member and a means for securing a wheel of said bicycle to the bicycle carrier is disposed along the second elongate support member. The cradle is provided with tines having free distal ends to allow a bicycle fork to be received therebetween.

A claim is only anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). See MPEP Chapter 2131.

Neither Shaver nor Bernd discloses a fixed cradle in which the tines have free distal ends to allow a bicycle fork to be received therebetween, much less a cradle having a pair of tines which form a V-shaped base having parallel arms extending therefrom. Shaver discloses a cradle that engages a down tube of a bicycle and the tines do not form a V-shaped base having parallel arms extending therefrom. See Figure 1 of Shaver. Bernd discloses a cradle adapted to receive handlebars and the tines do not form a V-shaped base having parallel arms extending therefrom. See Figure 1 of Bernd.

Shaver also does not disclose a fixed cradle. The cradle and tines of Shaver are pivotable.

Application Number: 10/782,174
Office Action Dated: December 15, 2009
Response Dated: March 15, 2010

Bernd also does not disclose first and second support members wherein a cradle for engaging a fork of a bicycle is disposed along the first support member and a means for securing a wheel of said bicycle to the bicycle carrier is disposed along the second elongate support member.

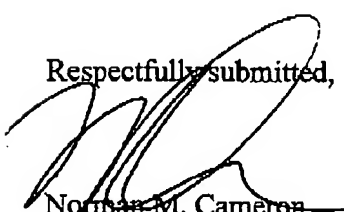
A fixed cradle, with tines that have free distal ends to allow a bicycle fork to be received therebetween, allows the fork and handlebar to be turned to a degree that prevents interference with an adjacent bicycle's handlebars. This allows for the closest possible spacing between bicycles. See the Abstract of the application as filed.

In view of the above, it is submitted that claims 23 is in order for allowance. It is further submitted that claims 24 to 31 are allowable because they depend from claim 23.

Conclusion

In light of the above-mentioned amendments and arguments, Applicant respectfully submits that the application is now in order for allowance.

Respectfully submitted,



Norman M. Cameron
Reg. No. 28,583

1401 - 1166 Alberni Street
Vancouver, BC
Canada V6E 3Z3
Tel: (604) 688-6442
Fax: (604) 688-6445